

III.—THE KHOTI SETTLEMENT ACT, BOMBAY I OF 1880.

RULES UNDER SECTION 40.

In exercise of the power conferred on him in this behalf under section 40 of the Khoti Settlement Act, 1880 (Bombay I of 1880), the Governor in Council is pleased to frame the following Rules under clauses (a), (b), (c) and (f) of that section (namely) :—

Crop Appraisement Rules under clause (a).

I. Whenever the rent payable to the khot consists of a share of the produce of the tenant's land, the amount of produce claimable by the khot shall be ascertained by an estimate of the probable yield of the crop of each field to be made by the khot on an inspection of the crop a reasonable time before the same is ready for reaping in the presence of the tenant, or a member of his family appointed by him in writing for that purpose, or his legally appointed agent, and of two respectable witnesses, one of whom is able to read and write, provided that unless the tenant otherwise desires the khot shall inspect and appraise the crops specified below on or before the dates entered below :—

Halwa Nágli—On or before the 10th September. (Notn. No. 1659, B. G. G., 1882, Pt. I., pp. 262 and 275.)

Other Halwa crops—On or before the 1st October 1886, p. 808.)

Late crops, that is, harik, kulith, udid, tág, and túr—On or before the 15th November.

Other late crops—On or before the 1st November.

Rabi, e. g., gram, &c.—On or before the 1st March.

Summer crops, e. g., páwta, &c.—On or before the 20th March.

Hot-weather crops, e. g., rice (wáigan), náchni (gimvas), jack-fruit, &c.—On or before the 20th May :

Provided further that in the case of bágáyat crops the mámlatdár or mahálkari shall decide what constitutes a reasonable time within the meaning of this rule.

II. The days fixed by the khot for inspection and appraisement of crops shall be notified by him in writing to all and every one of his tenants in the village, and the Police Patel shall be directed by the Collector to affix notices to the temples and by beat of drum and otherwise to make these dates known at least seven days previously and if for any sufficient cause (as that the crop is not ripe, &c.) any crop is not inspected or appraised on the days so fixed, the inspection and appraisement shall not, except with the consent of the tenant, take place until after a similar second notification has been made in the village. But the date fixed by the second notification must be within the limits specified in the preceding rule.

III. If notwithstanding that the days fixed for the inspection and appraisement have been notified as aforesaid, the tenant, or a member of his family appointed by him in writing for that purpose, or his legally appointed agent, is not present in his field

on the days so fixed, the khot shall nevertheless proceed to inspect and appraise such tenant's crops and shall inform such tenant in writing of the appraisalment so made within 24 hours of the same by sending him a copy of the entries relating to his fields by the khot in the abhavani patrak mentioned in the rule immediately following.

Notn. No.
3720, B. B. G.,
1886, p. 808.)

IV. It shall be the duty of the khot to keep a book to be called the abhavani patrak in such form as the Collector may, from time to time, prescribe, in which he shall, at the time of every inspection and appraisalment that he shall make, enter on the spot the particulars of such inspection and appraisalment, or cause the same to be entered. Each entry in the said book shall bear the date on which it is made, and shall be signed by the khot making the inspection and appraisalment, by both witnesses, and also, if the tenant, or a member of his family appointed by him in writing for that purpose, or his legally appointed agent be present and admit the correctness of the entry, by the tenant, such member of his family, or such agent, provided always that such tenant, member or agent is able to write his name and does not use a mark.

Ditto. V. The khot shall be bound, if the tenant, or a member of his family appointed by him in writing for that purpose, or his legally appointed agent is present, to give him then and there a signed copy of the entries relating to his fields made in the abhavani patrak. If the tenant admits the correctness of the entries and has brought his receipt-book, the entries shall be copied on the debit side of the receipt-book. In all other cases the copy shall be on a separate slip.

Ditto. VI. An entry duly made in the abhavani patrak in accordance with the foregoing provisions, and signed with his name by the tenant or a member of his family appointed by him in writing for that purpose, or his legally appointed agent, shall be conclusive evidence of the facts therein recorded, and the appraisalment shall be deemed to be final; and an entry so made when the tenant, or a member of his family appointed by him in writing for that purpose, or his legally appointed agent, fails to be present, shall be presumed to be correct until the contrary is proved in the manner prescribed in the next following rule, and provided the tenant has been informed of the appraisalment in the manner prescribed in the last part of Rule III.

Ditto. VII. A tenant who has not signed the abhavani patrak, or who has signed it with a mark only, may, if dissatisfied with the appraisalment, petition the Mámlatdár or Mahálkari of the Táluka or Mahál in which the village is situate, within six days of the khot making the appraisalment, and such officer shall forthwith nominate three respectable inhabitants of the village or its neighbourhood to inspect and appraise the crop within seven days. The appraisalment made by such persons, or a majority of them, shall be final and shall be entered by the khot at the time it is made in the abhavani patrak, and the entry shall be signed by the said three persons or the majority of them.

VIII. If the khot fails to keep an abhavani patrak or to inspect or appraise the crop at the time and in the manner laid down in Rule I or to make an entry or to cause the same to be made therein in the manner hereinbefore provided, or to give information to the tenant in the manner provided in Rule III, he shall be entitled to recover from the tenant such rent only as may be due according to the yield of the crop admitted by the tenant.

(Notn. No. 6720, B. G. G., 1886, p. 808.)

IX. It shall not be lawful for a tenant to reap his crop until after the same has been inspected and appraised, or until the expiry of the dates mentioned in Rule I, within which the inspections and appraisements of crops by the khot should be completed. If the tenant reaps his crop in contravention of the above rule, every presumption on doubtful points shall be made in the khot's favour.

X. If the tenant without making a petition under Rule VII reaps his crop after it has been inspected and appraised by the Khot in the presence of such tenant, or a member of his family appointed by him in writing for that purpose, or his legally appointed agent, or after the Khot has given such tenant information in the manner provided in Rule III, he shall be deemed to have admitted the correctness of the Khot's estimate.

(Notn. No. 6720, B. G. G., 1886, p. 808.)

Rules under Clause (b).

I. An entry in the Paháni Kharda of *Dhára*, if not rebutted, shall be conclusive proof of *dhára*. If the Paháni Kharda only shows that a certain area was held as *dhára*, but gives no *thikáns*, the land to be entered as *dhára* shall be chosen at the discretion of the Settlement Officer from the survey numbers in the rāyat's possession; always provided that the area and the proportion of rice to varkas land which may be given in the Paháni Kharda be not exceeded, and that if no information is available as to the said proportion, it shall be assumed to be 1 acre of rice to 4 acres of varkas.

II. Where there is no Paháni Kharda but a Goshwára entry only, this entry, if not rebutted, shall be conclusive proof that the Khatedár holds some *dhára*. To ascertain the area of his *dhára*, it will be necessary to discover at what rates the land assessment of the village was fixed. Evidence of this may be obtained from the Paháni Khardas of surrounding villages or otherwise. The Settlement Officer shall then proceed as in the last clause of Rule I. If the land assessment rates cannot be ascertained to the satisfaction of the Settlement Officer, the highest rate known to have existed at the late of the Goshwára must be taken as a basis and the same procedure followed.

III. The evidence of entry in Paháni Kharda or Goshwára may be rebutted by the Khot producing written proof from his accounts that he has taken "*Thal*" or "*Makta*" payments for three consecutive years within the twelve years preceding the introduction of the survey. In "*Thal*" he must show

for varkas land payments in successive years from the same land of the three crops of náchni, wari, and harik.

IV. If there is no Paháni Kharda or Goshwára, the possession of dhára may be proved by the production of receipt-books showing dhára payments for a sufficient number of years to satisfy the Settlement Officer. If no thikáns are given in the receipt-books, he shall proceed as in the last clause of Rule I.

V. If a rayat is proved to hold some dhára, and if it is not proved that any of the land in his possession has paid *thal*, the whole of the land in his possession shall be entered as *dhára*.

Rules under Clause (c).

I. When a Khot sharer sells any of his private Khoti land (Khoti Khásgi), the buyer thereof shall be entered in the survey papers in respect of that land as an occupancy tenant paying customary rates with the right to alienate his land.

II. A Khelta Dhárekari shall be bound every year, on or before the 30th April, to give notice to the Khot, stating what fields in the Khoti-nisbat Kháta he intends during the ensuing season to cultivate at dhára rates. If he fails to do so, he will be presumed to have waived his right for that season and will have to pay "*Thal*" for any Khoti land that he does cultivate.

III. The rent payable to the managing Khot by Khot sharers for their private Khoti land shall be the customary rates of the village for occupancy tenants, unless it is proved that before 1865 Khot sharers paid a *Makta* or a lower rate of "*Thal*," in which case the ancient practice shall be followed.

IV. Land about which there is, or has been, a boundary dispute between two villages shall be entered in the name of the occupant as follows:—

(a). If both villages are Niwal Dhára, as *dhára* land.

(b). If both villages are Niwal Khoti, as occupancy tenant's land paying ardhel and tirdhel.

(c). In any other case, as occupancy tenant's land paying survey assessment and local fund cess only.

V. A Khelta Dhárekari has no right to cut trees.

VI. The Khot shall keep under section 15 the following three accounts:—

1. The Appraisement Register.
2. The Ledger.
3. The Rayat's Receipt-books.

They shall be kept in the forms hereunto annexed (Appendix I).

The Appraisement Register shall be filled up at the time of the crop appraisement in the manner laid down in Rule IV of the Appraisement Rules under clause (a) of section XL.

The Ledger is to be kept in the ordinary form of debit and credit account, showing the amount due from and paid by each rayat in a separate *kháta* for each *kháta* of the *Botkhat*. The items on the debit side of the rayat's account relating to grain payments are to be written up within 15 days from the date within which the appraisement of the crops to which the items severally relate must be made under the Appraisement Rules.

The rayat's receipt-book is to be written up on the debit side, in cases of grain payments, within one month from the several dates within which the appraisement of the crops must severally be made; in cases of *dhára* or quasi-*dhára*, payments before the 1st September.

Whenever a payment is made by a rayat, a receipt is then and there to be entered by the Khot on the credit side of the rayat's receipt-book and the book returned to its owner.

If the rayats do not bring their books to be written up on the debit side within the proper time, the Khot shall immediately on the expiry of the period make a report to the *Mámlatdár* or *Mahálkari* to that effect, who will then issue the necessary instructions to the rayats.

If a rayat brings grain or cash in payment of his revenue to the Khot without bringing his receipt-book also, the Khot shall accept the payment, but note the omission in the entry of payment in the rayat's *kháta* and give a separate dated receipt.

All the account books must be brought or sent by the Khot to the *Kacheri* of the *Mámlatdár* or *Mahálkari* to be sealed on or before the 1st July of the year preceding that for which they are to be used. This includes fresh rayats' receipt-books which must be handed over to the Khot for this purpose by the rayat on or before the 1st June of the year preceding that in which they are to be first used.

Every page of every account-book shall be sealed. The books for the first two accounts shall be provided by the Khot. Each rayat shall provide his own receipt-book. Besides the three accounts above mentioned the Khot shall take a copy of the *Botkhat* at his own expense, and shall keep it properly corrected, as the *Mámlatdár* or *Mahálkari* shall notify.

The copy of the *Botkhat* so made shall, if the village be attached, be delivered up by the Khot to the *Mámlatdár* for the use of the *Japtidár*, and on the attachment ceasing shall be returned to the Khot. The Khot shall also take a copy of "*Sud*" and "*Phalni*" books. If he does not do so, he will be

responsible for any mistakes that might have been prevented by the use of those books, but shall not be subject to any other penalty.

The managing Khot shall be bound to provide a convenient place within the boundaries of the village itself to which the rayats may bring their payments whether in cash or kind. He shall not be entitled, on any pretence whatever, to require a tenant to pay his rent in any other place except the village in the survey papers of which the tenant's name is entered.

VII. The *Botkhat* shall be in the form hereto annexed (Appendix No. I, Form No. 1). The customary rates of the village shall be recorded in full at the bottom of the *Botkhat*.

Any corrections ordered to be made in the *Botkhat* shall be signed by the Mámlatdár or Mahálkari.

If a proper *wantap* or division has been made, each Khot sharer shall be denoted by number and each rayat's kháta containing Khoti land shall have the said Khoti land entered with the number denoting the khot sharer in whose share the land is affixed to the survey number, and all the survey numbers in the share of one particular Khot sharer shall be entered consecutively.

In all cases in which the Settlement Officer has decided that Khoti land is alienable by a tenant, the fact shall be entered in column 5 of the *Botkhat* by the Mámlatdár or Mahálkari.

Rules under Clause (f).

I. No forfeiture under section X shall be certified in the case of an occupancy tenant unless he has failed to pay rent for two consecutive years, nor if the tenant is a minor, shall any forfeiture be certified until two years after he has attained his majority and has failed to pay rent.

II. If the Khot is in actual possession when the minor attains his majority and refuses to vacate, the Collector shall on the minor's application put him in possession.

III. If from any cause whatever, except the necessity of keeping fallows, an occupancy tenant fails to cultivate his land, the Khot may cultivate it for him during that season, just as if it were Khot-nisbat land, but if he does so cultivate, he shall be entitled to no assistance under section XIV.

IV. The form of written application under section 12 shall be as follows:—

TO THE COLLECTOR OF RATNA'GIRI.

I, (or we), the undersigned Khot (or Kho sharers) of the village of (—) do hereby certify that I (or we) have conferred on A.B. the rights and privileges of a dhárekari, (or quasi-dhárekari, &c., as the case may

be), in respect of the Survey numbers and Pot or Phalni numbers of the village tabulated below :—

Survey Number.	Pot or Phalni Number.	Area.	Assessment.

and I (or we) do request that an entry to this effect may be made in the Botkhat of the said village.

(Signed)———

(Date)———

All the known Khot sharers or their duly empowered attorneys shall sign—otherwise the application will be rejected.

V. Under section 27, if there is no agreement as to the order of rotation, the Mámлатdár or Mahálkari shall, on or before the 1st June in each year, issue a notice calling on the co-sharers to nominate one of their number on or before the 30th of June to be Managing Khot for the following revenue year.

VI. The dates for the payments of instalments of the Khot's jama shall be as at present, viz., 15th December, 1st February, 15th March, 1st May.

The dates for payment of rents by dhárekaris and quasi-dhárekaris shall be the same as for Khots ; but a dupetkari shall pay his grain rents on the same dates as occupancy tenants do.

Occupancy tenants shall pay their grain rents as follows :—

On the 15th December—

Half the total “Thal” payment due in Halwa or early rice and Mahán or late rice and the total Thal payment due in Halva Varkas.

On the 1st February—

The other half of the total Thal payment due in Halwa rice and Mahán rice and half the total Thal payment due in Mahán Varkas.

On the 15th March—

The other half of total “Thal” payment due in Mahán Varkas.

On the 1st June—

The total Thal payment due on account of all other crops

except Bágáyāt, the Thal payment for which must be paid within what the Mámлатdár or Mahálkari in each disputed case may consider a reasonable time.

If the occupancy tenant pays a Makta, he shall pay it in three equal instalments on the 15th December, 1st February, and 15th March.

VII. The certificate to be given to the Managing Khot under section 29 is to be in the form hereto annexed (Appendix I, Form 4).

UNDER SECTION 40 (d).

The following Notification dated 11th September 1889 was published in the *Bombay Government Gazette*, pp. 779 and 780 :—

Bombay Castle, 11th September 1889.

No. 6794.—In exercise of the power conferred by section 40 (d) of the Khoti Settlement Act, 1880, the Governor in Council is pleased to make the following rules to determine the extent to which rules or orders made under section 214 of the Bombay Land Revenue Code, 1879, shall be applicable to villages to which the said Khoti Settlement Act extends (namely):—

1. No rule or order which shall be hereafter made under section 214 of the Bombay Land Revenue Code, 1879, shall be applicable to the said villages, unless it is expressly directed in such rule or order, or in some subsequent rule or order, that it shall be applicable thereto.
2. Of the rules and orders at present in force under section 214 of the Bombay Land Revenue Code, 1879, Nos. 7 to 34, both inclusive, 36, 37, 43, 46, paragraph 2, 50, 53, 57, 58 to 72, both inclusive, 74 to 82, both inclusive, 84 to 86, both inclusive, 87, paragraph 2, 88, 99, proviso I and III, clause 2, sub-clause (c), and clause 3, sub-clause (b) shall not be applicable to the said villages.
3. The rest of the said rules and orders shall be applicable to the said villages, subject, as regards those of them which are hereinbelow in this rule mentioned, to the modifications hereinbelow respectively specified, *viz.* :—

No. of rule or order.	Modification.
2	After the word "Code" insert "and Japtidárs" (<i>i. e.</i> , stipendiaries appointed by the Collector to manage attached villages)."
35	For the words "the produce of trees belonging to Government" substitute "Where the produce of trees belongs to Government, it".
45	For "village officers" read "Village Accountant or Japtidár where there is one, and of the Band Kárkún where there is no Village Accountant or Japtidár."
46, para. 1	Omit the words "of section 46, or" and for the last two words substitute "section."
56	For the words "under Rule 66" substitute "by the Collector."
102	(1) For the words "Village Officers" substitute "Village Accountants and Japtidárs" and (2) for the words "November or December and the Village Accountant" substitute "January or February. Villages in which there is no Village Accountant or Japtidár shall be divided by the Collector into groups, and the Band Kárkún shall examine all the boundary marks in every village comprised in one such group every year in rotation. The examining officer," and

(581)

No. of rule or order.	Modifications.
104 111	(3) for the words "Village Accountant," in para. 2, substitute "examining officer." For "Village Officers" substitute "Village Accountant or Japtidár, if there be one." (1) In clause 1 (c), for the words "the grass or any other produce of land" substitute "any produce" and (2) in clause 1 (d) omit the words "from land," and (3) in clause 4 for the words "Village Officer" substitute "Police Patel, Village Accountant or Japtidár," and (4) in clause 5 for the words "Village Officer" substitute "Village Accountant or Japtidár."

Persons who have any remarks or suggestions to make should communicate them in writing to the Chief Secretary to Government, Revenue Department, within one month from the date of this Notification.

APPENDIX No. I.

FORM 1.

APPRAISEMENT REGISTER.

FORM OF BOTKHAT.

BOTKHAT OF MAUZE ,TARF ,TA'LUKA ,ZILLA RATNA'GIRI, A.D. 18 .

Khoti Rights and Shares.

Khot Number.	Wantaps or Divisions of Shares held separately.	Division of Shares among the Wakalas or Families as finally settled.	Shares of Persons interested other than those mentioned in Columns 2 and 3, of their Sub-sharers.	Names of Persons having interest referred to in Columns 2 and 4 or 3 and 4, and the Names of their Mortgagees.	REMARKS.
1	2	3	4	5	6
	As.	As.	As. p.		
1	4	.....	..... 1 0 1 0 2 0	Hari Govind Sápkar. 1 Hari Govind himself. 2 Trimbak Náráyan Sápkar. 3 Bábáji Shivrám Sápkar, mortgagee Rámchandra Govind Mule.	
		Total ...	4 0		
2	.....	4	..... 2 0 2 0	Krishnáji Dáji Joshi. 1 Krishnáji Dáji himself. 2 Vishwanáth Ganesh Joshi.	
		Total ...	4 0		
	.....	8	..... 1 0 1 0 1 0 1 0 2 0 2 0	Sadáshiv Govind Diwekar. 1 Sadáshiv Govind himself 2 Bápuji Govind Diwekar. 3 Venkatesh Náráyan Diwekar. 4 Bhikáji Ganesh Diwekar. 5 Keshav Rámchandra Diwekar. 6 Vital Yeshwant Diwekar. Mortgagee. Báláji Vásudev Barwe.	
...		Total ...	8 0		
	4	12	Rs. a. p. 1 0 0		

STATEMENT.

NUMBER.			NAME OF FIELD.	Tenure, viz., Inām or Khālsa, (Government), Dhāra or Khoti and other Tenures. Whether a Khoti tenant has a right to sell Khoti land or not? If he has, to state that he has.	Khoti Number.	Share out of the whole Village and Khoti.	SURVEY ASSESSMENTS PAYABLE.									
Survey Number.	Pot Number.	Phalni Number.					Kharif or Rice Lands.		Rabi Lands.		Garden Lands.		Varkas Lands.		Assessment on Coconut Trees.	Total of Assessment.
							Acres and Gunthas.	Amount.	Acres and Gunthas.	Amount.	Acres and Gunthas.	Amount.	Acres and Gunthas.	Amount.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Sajanā bin Pingoji Bhogalē No. 1.																
1	7	...	Mhasondā ...	Dhāra ...	...	...	A. g.	Rs. a. p.	A. g.	Rs. a. p.	A. g.	Rs. a. p.	A. g.	Rs. a. p.	Rs. a. p.	Rs. a. p.
6	...	10, 20, 21 & 22	Kalacha Parya ...	Do. ...	...	...	...	...	...	...	0 10	1 4 0	...	...	...	1 4 0
8	1	...	Do. ...	Do. ...	...	...	0 6½	0 11 0	...	...	...	...	...	...	...	0 11 0
12	1	...	Kudētē ...	Do. ...	...	...	0 13	1 6 0	...	...	...	...	...	...	...	1 6 0
16	...	10, 11, 20 & 21	Gōttana ...	Do. ...	...	...	...	...	...	...	...	...	9 2	1 3 6	...	1 3 6
24	...	1	Kargalmhos ...	Do. ...	...	...	...	...	...	...	...	...	0 34	0 3 0	...	0 3 0
37	1	...	Wawalyachi Gōttana.	Do. ...	...	...	...	...	...	...	0 4½	0 10 0	...	...	...	0 10 0
43	5	...	Wadāché ...	Do. ...	...	...	0 23¼	2 8 0	...	...	...	...	...	...	...	2 8 0
44	...	7	Shivkala Batāchi ...	Do. ...	...	...	...	...	...	...	...	...	0 13	0 1 0	...	0 1 0
51	5	...	Kharwat ...	Do. ...	...	As. 8	0 30	3 12 0	...	...	...	...	...	...	...	3 12 0
77	...	9, 10 and 15	Paryachē ...	Do. ...	...	...	...	...	...	...	...	...	3 19	0 8 6	...	0 8 6
...	6	13					1 33¼	8 5 0	...	...	0 14½	1 14 0	17 3	2 8 6	...	12 11 6
17	...	7 & 12	Gawan ...	Occupancy Tenant.	1	...	...	...	...	...	...	...	3 28	0 9 0	...	0 9 0
50	...	4, 11 and 19	Warkhadicha Mala.	Do. ...	1	...	...	...	...	...	...	...	2 30	0 5 0	...	0 5 0
50	...	20	Do. ...	Do. ...	1	As. 8	...	...	...	...	...	...	1 5	0 2 0	...	0 2 0
77	...	5	Parayachē ...	Do. ...	1	...	...	...	...	...	...	...	0 34	0 3 0	...	0 3 0
...	...	7					...	...	...	...	...	...	8 17	1 3 0	...	1 3 0
1	...	2	Mhasondā ...	Do. ...	2	...	...	...	...	...	...	...	0 1	0 0 6	...	0 0 6
12	...	1	Koodyat ...	Do. ...	2	...	...	...	...	...	...	...	0 2	0 0 6	...	0 0 6
17	...	13	Gawana ...	Do. ...	2	...	...	...	...	...	...	...	1 0	0 2 0	...	0 2 0
29	...	3 and 4	Dewalāchā Sada ...	Do. ...	2	...	...	...	...	...	...	...	1 21	0 5 0	...	0 5 0
35	...	1	Devala Nageek ...	Do. ...	2	...	...	...	...	...	...	...	2 0	0 5 0	...	0 5 0
...	...	6 and 9	Dewalāchā Sada ...	Do. ...	2	...	...	...	...	...	...	...	1 18	0 5 0	...	0 5 0
36	...	11	Dhakta Sada ...	Do. ...	2	...	...	...	...	...	...	...	0 22	0 2 0	...	0 2 0
38	...	2 & 10	Payarichi Pakhar ...	Do. ...	2	...	...	...	...	...	...	...	1 6	0 2 6	...	0 2 6
...	...	18	Do. ...	Do. ...	2	As. 8	...	...	...	...	...	...	0 20	0 1 0	...	0 1 0
40	...	4 and 8	Tonk ...	Do. ...	2	...	...	...	...	...	...	...	1 20	0 4 6	...	0 4 6
51	...	7	Kharwat ...	Do. ...	2	...	...	...	...	...	...	...	0 2	0 0 6	...	0 0 6
75	...	9	Tonk ...	Do. ...	2	...	...	...	...	...	...	...	2 10	0 6 0	...	0 6 0
...	...	16					...	...	...	...	...	...	12 2	2 2 6	...	2 2 6
...	6	36					1 33¼	8 5 0	...	...	0 14½	1 14 0	37 22	5 14 0	...	16 1 0

Subhanna bin Gannā Mhāpadi No. 16,																
16	...	6 & 9	Gawtana ...	Occupancy Tenant.	1	...	...	...	...	...	...	1 20	0 3 0	...	0 3 0
6	...	2	Khalāchā Paryā ...	Do.	2	...	...	...	...	...	...	1 0	0 3 0	...	0 3 0
17	...	4	Gawana ...	Do.	2	...	...	...	...	...	...	0 20	0 1 0	...	0 1 0
38	...	4	Pāyarichi Pākhar...	Do.	2	...	...	...	...	...	...	0 10	0 0 6	...	0 0 6
42	...	6	Khonda ...	Do.	2	...	...	...	...	...	...	0 12	0 0 6	...	0 0 6
44	...	6	Shinvkala Batāchi...	Do.	2	...	...	...	...	...	...	0 1	0 0 6	...	0 0 6
50	...	14 & 17	Warkhadicha Mal	Do.	2	...	...	...	...	...	...	1 7	0 2 6	...	0 2 6
74	...	1, 4 & 6	Matacha Sada ...	Do.	2	...	...	...	...	...	...	0 35	0 3 0	...	0 3 0
75	...	5	Tonk ...	Do.	2	...	...	...	...	...	...	0 35	0 2 0	...	0 2 0
77	...	14	Parayachē ...	Do.	2	...	...	...	...	...	...	1 14	0 3 0	...	0 3 0
...	...	12											6 14	1 0 0	...	1 0 0
...	...	14											7 34	1 3 0	...	1 3 0
Details.																
			Dhāra Lands ...	...	...	18 29	86 10 0	...	...	15 16½	71 15 0	59 29	9 3 6	...	167 12 6
			Khoti land belonging to Khot No. I.	...	...	0 15½	1 4 0	...	...	1 20½	5 7 0	131 3	20 3 6	...	26 14 6
			Do. do. No. II.	...	...	0 15½	1 11 0	...	...	0 19½	1 5 0	355 8	56 13 6	...	59 13 6
				...	...	0 31	2 15 0	...	...	1 39½	6 12 0	486 11	77 1 0	...	86 12 0
80	125	427		...	...	19 20	89 9 0	...	...	17 16½	78 11 0	546 0	86 4 6	...	254 8 6
2	...	3	Waste ...	...	...	...	...	...	...	...	...	0 28	...	...	...
82	125	430	Waste and cultivated lands together	...	...	19 20	89 9 0	...	...	17 16½	78 11 0	546 28	86 4 6	...	254 8 6

The above-mentioned Khātedārs are to pay as follows :—

1. The holders of Dhāra land should pay the survey assessment and the Local Fund cess at the rate of one anna for each rupee of assessment.
3. The quasi-dhārekaris are to pay the survey assessment in addition to the excess amount of rent at the rates (to be mentioned below) given in the Schedule annexed to the Khoti Act.
3. The holders of the Khoti lands are to pay as follows :—
 1. The Khoti tenants except the Khoti sharers, and
 2. The Khoti sharers are to pay in accordance with the decisions recorded at the Special Ruzuwāt and confirmed by the Settlement Officer under Government Resolution No. 2474, dated the 24th April 187 .

FORM 2.

Khatāwani or Ledger of Mauze

Tarf

Tāluka

*Zilla Ratnágiri, for the Khoti portion of the village lands for A.D. 1878-79,
being Shake 1800-1801.*

[PART XVIII.]

(586)

[KHOTI SETTLEMENT ACT.]

GOPAL BIN RA'MA NACHRA No.

RICE IN HUSK.

Nágli.

Wari.

Monsoon Crops.

K. m. p.

K. m. p.

K. m. p.

0 2 0 Tikán Rátámbi, being S. N. 125, Pot No. 6,
10 gunthás is estimated to yield 4 maunds, of
which the khot's share is one-half, *vide*
No. of Abhawani Patrak.

0 2 0 Tikán Kawal-taimbi, being S. N. 128, Phalni
4. 2 acres is estimated to yield 6 maunds
of which the khot's share is one-third,
vide No. of Abhawani Patrak.

0 1 0 Tikán Kawal-taimbi, being S. N. 128, Phalni
4. 1 acre 5 gunthás is estimated to produce
3 maunds, of which the khot's share is one-
third, *vide* No. of Abhawani Patrak.

0 6 0 Tikán Sonambi, being S. N. 8, Pot No. 1. 20
gunthás is estimated to yield 12 maunds, of
which the khot's share is one-half, *vide*
No. of Abhawani Patrak.

Receipts.

Receipts.

0 2 0 Paid for the current year in person or
through A on the 14th March 1880, at the
rate of 45 rupees per khandi, Rs. 4-8-0.

0 1 0 Paid for the current year in person or through
one maund of wari at the rate of 40 rupees
per khandi, Rs. 2-0-0.

Fair weather Crops.

0 0 0 Balance.

0 0 0 Balance.

0 5 0 Tikán Kamath, being S. N. 142, Pot No. 3.
25 gunthás is estimated to yield 10 maunds,
of which the khot's share is one-half, *vide*
No. of Abhawani Patrak.

KAD-DAN.

Kadwé.

0 2 0 Tikán Kúdété, being S. N. 150, Pot No. 1. 20
gunthás is estimated to yield 4 maunds, of
which the khot's share is one-half, *vide*
No. of Abhawani Patrak.

0 1 0 Tikán Kamath, being S. N. 142, Pot No. 3.
25 gunthás is estimated to yield 2 maunds
of kadwé, of which the khot's share is
one-half, *vide* No. of Abhawani Patrak.

K. m. srs.

Betel-nut.

0 0 4 Tikán Sonambi, being S. N. 8, Pot No. 1. 20
gunthás is estimated to yield 8 sers of betel-
nut, of which the khot's share is one-half,
vide No. of Abhawani Patrak.

0 15 0

Receipts.

7 0 Paid in person or through for the current year on the 14th March 1880, seven maunds of rice in husk at the rate of Rs. 35 per khandi (Rs. 12-4-0.)

0 8 0 Balance for the current year.

Til.

0 2 0 Tikán Masanwate, being S. N. 130 Phalni 2, 1 acre and 5 gunthás, is estimated to yield six maunds of til, of which one-third is the khot's share, *vide* No. of Abhawani Patrak.

Receipts.

0 2 0 Paid for the current year on the 14th March 1880, in person or through two maunds of til.

0 0 0 Balance.

Receipts.

0 1 0 Paid for the current year in person or through on the 28th May 1880, one maund.

0 0 0 Balance.

Jack-fruit.

No. 250 Jack-trees in Gastan and S. N. 130 are estimated to yield 500 jack-fruit, of which one-half is the khot's share, *vide* No. of Abhawani Patrak.

Receipts.

250 Paid for the current year on the 25th May 1880 in person or through two hundred and fifty jack-fruit.

0 Balance.

Sugar-cane produce (Jaggery.).

K. m. srs. 0 1 20 Tikán Kúdété, being S. N. 150, Pot No. 2. 20 gunthás is estimated to yield 3 maunds jaggery, of which one-half is the khot's share, *vide* No. of Abhawani Patrak.

Receipts.

0 1 0 Paid for the current year on the 25th May 1880 in person or through one maund of jaggery.

20 0 0 Balance for the current year.

Receipts.

0 0 4 Paid for the current year on the 28th May 1880 in person or through 4 sers of betel-nut.

0 0 0 Balance.

Cocoanuts.

No. 50 Two cocoanut trees in S. N. 130 are estimated to yield 100 cocoanuts, of which one-half is the khot's share, *vide* No. of Abhawani Patrak.

0 Receipts.

50 Balance. Fifty cocoanuts for the current year.

Harik.

K. m. p. 0 1 8 Tikán Kawal-taimbi, being S. N. 128, Pot No. 4. 25 gunthás is estimated to yield 4 maunds and 8 pylis of harik, of which one-third is the khot's share, *vide* No. of Abhawani Patrak.

Receipts.

0 1 0 Paid for the current year on the 14th March 1880 in person or through one maund of harik.

0 0 8 Balance.

FORM 3.

Ledger page.

FORM OF RAYAT'S RECEIPT-BOOK.

No. of Ledger Account

Lakshmun Vishwanáth Pettey, inhabitant of Mauze

Taraf

Táluka

Zilla Ratnágiri, for A.D. 1879-80.

Rs.	a.	p.	
8	2	0	Amount paid in cash in person or through on the 5th of December 1879
			Current year—
	7	12	0 Land Revenue.
	0	6	0 Local Fund Cess.
8	2	0	Rupees eight and annas two only.

(Signed) GOVIND KESHAV,
Khot.

K. m. ps.	Amount of rent in kind paid in person or through						on the		
0 13 0	14th March 1880						...	...	...
	Current year—								
K. m. p.							Rs.	a.	p.
0 7 0	Rice in husk at Rs. 35 per khandi	...	...	12	4	0			
0 2 0	Nāgli at Rs. 45 per do.	...	...	4	8	0			
0 1 0	Wari at Rs. 40 per do.	...	...	2	0	0			
0 1 0	Harik.								
0 2 0	Til.								

18 12 0

0 13 0 Thirteen maunds of grain or three maunds of grain and the value of ten maunds, viz., rupees eighteen and annas twelve only.

(Signed) GOVIND KESHAV,
Khot.

K. m.	srs.	
0	1	0
		Paid for the current year on the 25th May 1880
		250 (No.) jack-fruit in person or through
		Sugar-cane produce (jaggery in weight in person or through
		Two hundred and fifty jack-fruits and one maund of jaggery.
		(Signed) GOVIND KESHAV, Khot.

K. m.	srs.	
0	0	4
0	1	0
		Paid for the current year on the 28th May 1880.
		Betel-nut weighing four sers in person or through
		Kad-Dan—kadwé, one maund.
		Four sers of betel-nut and one maund of kadwé.
		(Signed) GOVIND KESHAV, Khot.

Rs. a. p.
6 8 0

Balance—
Amount due as settled for the current year.
Assessment on Dhára lands.
Land Revenue.

Name of Thikán.	S. N.	Pot No.	Falni No.	Land. A. g.	Assess-ment. Rs. a. p.
Rewa	...	5	2	0	0 10 0
Fanshi	...	15	8	0	5 2 6 2 0
				5 12	6 8 0

Assessment on Daspatha lands.
Rs. a. p.
1 4 0 Land Revenue.

Name of Thikán.	S. N.	Pot No.	Falni No.	Land. A. g.	Assess-ment. Rs. a. p.
Ganiché	...	4	3	0	0 5 0 8 0
Shéwré	...	8	2	0	0 10 0 12 0
				0 15	1 4 0

0 2 6 Excess amount of rent fixed at the survey settlement according to Mámul (old) custom in regard to Daspatha lands.

1 6 6

Assessment on Didpatha lands.
1 5 4 Land Revenue.

	S. N.	Pot No.	Falni No.	Land. A. g.	Assess-ment. Rs. a. p.
Dand	...	15	5	0	0 10 0 12 0
Shinu	...	20	4	0	0 9 0 9 4
				0 19	1 5 4

Excess amount rent in kind fixed at the survey and settlement according to the Mámul (old) custom in regard to Didpatha lands.

K. m. p.
0 0 6

Remission.

Amount of rent in kind remitted from the current year's khot's share in rice produce in S. N. 8, Pot No. 1, viz., six pailis.

(Signed) GOVIND KESHAV,
Khot

Abstract.

Nature of item.	Receipts during the year.	Balance at the close of the year.	Total.
<i>In Cash.</i>	Rs. a. p.	Rs. a. p.	Rs. a. p.
Cash	8 2 0	1 10 11	9 12 11
<i>In Kind.</i>	K. m. ps.	K. m. ps.	K. m. ps.
Rice in husk	0 7 6	0 8 0	0 15 6
Nágli	0 2 0	.....	0 2 0
Wari	0 1 0	.....	0 1 0
Harik	0 1 0	0 0 8	0 1 8
Til	0 2 0	.....	0 2 0
Kadwé	0 1 0	.....	0 1 0
<i>In Weight.</i>	K. m. srs.	K. m. srs.	K. m. srs.
Betel-nut	0 0 4	.....	0 0 4
Sugar-cane produce (jag-gery)	0 1 0	0 0 20	0 1 20
<i>In Number.</i>	No.	No.	No.
Jack-fruit	250	.....	250
Cocoanuts ... ..	.....	50	50
Bundles of rice straw ...	.....	303	300

(Signed) GOVIND KESHAV,
Khot.

K. m. p.

0 0 6

Rice in husk at the rate of—
Nágli do. do.
Wari do. do.Rs. a. p.
0 9 1

0 0 6

Local Fund Cess at the rate of one anna for each rupee of assessment on dhára and quasi-dhára lands.
Revenue on account of khoti lands in which this rayat is an occupancy tenant.

Name of Thikan.	S. N.	Pot No.	Falni No.	Land. A. g.
Sonambi	8	1	0	0 30
Rátámbi	125	6	0	0 10
Kawal-taimbi	128	0	4	4 9
Masanwate	130	0	2	2 5
Kamath... ..	142	3	0	1 10
Kúdété	150	2	0	0 20
				9 4

Details as to payments due on Khoti lands cultivated during the current year.

K. m. ps.

1 2 8

Assessment in kind.

No. of Thikan	S. N.	Pot No.	Falni No.	Land. A. g.	Grain Produce. M. p.	Khot's Share. M. p.
K. m. ps. Monsoon Crops.						
0 8 0 Rice in husk.						
Rátámbi ...	125	6	0	0 10	4 0	0 2
Sonambi ...	8	1	0	0 20	12 0	6 0
				0 30	16 0	8 0
0 2 0 Nágli.						
Kawal-taimbi	128	0	4	2 0	6 0	2 0
0 1 0 Wari						
Kawal-taimbi	128	0	4	1 5	3 0	1 0
0 1 8 Harik.						
Kawal-taimbi	128	0	4	0 25	4 8	1 8
0 2 0 Til.						
Masanwate	130	0	2	1 5	6 0	2 0

160 bundles of rice straw at the rate of twenty bundles per each maund of rice.

FORM OF RAYAT'S RECEIPT-BOOK—continued.

PART XVIII.]

Fair Weather Crops.

					A. g.	M. p.	M. p.
0	7	0	Rice in husk.				
			Kamath	... 142 3 0	0 25	10 0	5 0
			Kudété	... 150 2 0	0 20	4 0	2 0
					<u>1 5</u>	<u>14 0</u>	<u>7 0</u>

			Kad-Dán.				
0	1	0	Kadvé				
			Kamath	... 142 3 0	0 25	2 0	1 0

140 bundles of rice straw at the rate of twenty bundles per each maund of rice.

1 2 8

K. m. srs.

0 1 24 Assessment in weight.

K. m. srs.

0 0 4 Half of the produce of betel-nut in S. N. 8, Pot No. 1, weighing 8 srs.

0 1 20 Half of the sugar-cane produce (jaggery) in S. N. 150, Pot No. 2, weighing 3 maunds.

0 1 24

No.

300

Fruits.

No.

250 Half of the jack-fruit in Gawtan land and S. N. 130, numbering 500.

50 Half of the cocoanuts from 2 cocoanut trees in S. N. 130, in all 100 cocoanuts.

300

(590)

[KHOTI SETTLEMENT ACT.]

FORM OF RAYAT'S RECEIPT-BOOK—continued.

Details of payments due.			
Nature of item.	Amount.	Name of item.	Amount.
<i>In Cash.</i>	Rs. a. p.	<i>In Weight.</i>	K. m. srs.
Cash	9 12 11	Betel-nut	0 0 4
		Sugar-cane produce (jaggery)	0 1 20
<i>In Kind.</i>	K. m. ps.		
Rice in husk	0 15 6		
Nāgli	0 2 0		
Wari	0 1 0	<i>In Number.</i>	No.
Harik	0 1 8	Jack-fruit	250
Til	0 2 0	Cocoanuts	50
Kadwé	0 1 0	Bundles of rice straw .	300

Explanatory Notes.

1. When value is paid in lieu of grain assessment, the quantity of grain is to be credited and the value paid is to be shown in the body of the entry.
2. The balance outstanding at the end of the year should be shown in detail for each year.
3. It will be only necessary to give full details of Survey, Pot, and Fahi Numbers, acres and assessment once in five years, but in the meantime should any numbers, &c., be deducted or added on, then full particulars showing the additions or deductions to be given.
4. When value is recovered in lieu of grain assessment during the period of attachment of a village by Government, the amount should be shown on the debit side and the quantities of all kinds of grain for which the money is paid should be shown separately in the body of the entry. There is no necessity for showing similar details on the credit side. During the Khot's management remark No. 1 is to be followed.
5. In the case of a pure Khot village or a tenant-at-will, of course, no details as to Dhāra, Dasputa, &c., need at all be given.
6. All receipt-books are to be written up as shown in this form, viz., Jamābandi on the debit side and the receipts on the credit side ; or, if convenient, Jamābandi may be written in detail first and then receipt immediately below.

FORM 4.

No.

No.



is appointed under Section 29 of Bombay
Act I of 1880 by the Collector of the
District of Ratnágiri to be Managing
Khot of the village of _____

Táluka _____ in the

aforsaid District for the revenue year
189 :

is appointed under Section 29 of Bombay
Act I of 1880 by the Collector of the
District of Ratnágiri to be Managing
Khot of the village of _____

Táluka _____ in the

aforsaid District for the revenue year
189 .

Mámlatdár.

Mámlatdár.

Date _____

Date _____

ADDITIONAL ORDERS, RULINGS AND OPINIONS.

Khots under the Act are Superior holders.

The position of a Khot in the villages to which the Bombay Khoti Act I of 1880, has been extended is that of a superior holder, and in the event of the attachment of his village, his rights in respect of khoti profits, on his resuming the management of the village would be regulated by section 162 of the Revenue Code, Bombay Act V of 1879. But this rule does not hold good where the village attached is one in the Kolába District to which the Khoti Settlement Act has not been extended, unless the Khots therein are Sanadi or Vatandar Khots (I. L. R., 8 Bom., 525).

Section 21, Appeals.—The decisions of the Khoti Settlement Officer under section 21, of Bombay I of 1880 are not appealable to any higher executive authority. (G. B. No. 6292, dated 13th September 1887, R. D.)

Section 36.—Recovery of Local Fund Cess before introduction of Survey Settlement.

Memo. by L. R.:—A question has arisen as to whether the khots in the Rájápur Táluka of the Ratnágiri District, where the survey settlement has not yet been introduced, can levy Local Fund Cess from their tenants.

“According to paragraph 1 of section 23 of the Khoti Settlement Act, section 36 of that Act does not apply to a khoti village until such a time as a survey settlement or a revised survey settlement is first introduced therein after the passing of the Act.

“2. Under paragraph 2 of section 23 the rights and responsibilities of all persons in a khoti village in respect of the payment of Local Fund Cess until such time, are to continue to be such as they would be if section 36 had not been enacted.

"3. The result is that in the villages in which a survey settlement has not yet been introduced the law as to the levy of Local Fund Cess is at present precisely the same as it was when Government Resolution No. 2102 of 23rd April 1878, was passed. My *locum tenens*, Dr. Pollen, described the state of that law and the difficulties which it presents in khoti villages in his No. 336 of 9th April 1878. I concur generally in what he wrote; but I think that the difficulty in respect of recoveries by khots from inferior tenants under section 8 of Bombay Act III of 1869 is one which is not limited to them, but applies also to inámdárs and all superior land-holders whose estates have not been subjected to a survey assessment.

"4. There is no doubt that lands held by khots are liable under section 6 of the last-mentioned Act to the Local Fund Cess. There is little doubt either that they, as well as inámdárs, are entitled under the latter part of section 8 of the Act to recover this cess from their tenants. But they, as well as inámdárs, can only recover from their tenants what they themselves actually pay to Government and each individual tenant is only liable for the proportion which the assessment or rental of his land bears to the total assessment or rental of the entire village. Neither a khot nor an inámdár is at liberty to make use of the provisions of the Act as a means of profit to himself by levying from his tenants in the name of Local Fund Cess a larger amount than he himself has to pay to Government on that account. This was so held by the Bombay High Court in Special Appeal No. 303 of 1873 (High Court's Printed Judgments for 1874, page 29). The Court said: 'The plaintiff's claim to recover as Local Cess one anna on every rupee of his own rent is clearly inadmissible. He has not given evidence * * * to prove what would be the proper proportional amount of the Government assessment on the field in dispute, as deduced from the total assessment of the village; and therefore (assuming that the cess is recoverable from the defendant) there are no materials for determining the amount.'

"5. Where every holding in a village has been surveyed and assessed, there is no difficulty in determining what is the amount of each individual tenant's liability; but where this is not the case, the burden is on the superior holder to establish that the amount which he seeks to recover from any inferior holder is the proportion of the aggregate amount of cess payable for the village fairly due by that inferior holder." (G. R. No. 4180, dated 7th July 1887, R. D.)
